

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

JACKSON PAVELKA,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:21-cv-00184
v.	§	
	§	
NEBRASKA FURNITURE MART, INC.,	§	
	§	
Defendant.	§	

**NOTICE OF REMOVAL**

Defendant, Nebraska Furniture Mart, Inc. (“Defendant”) files this Notice of Removal of the above-described action to the United States District Court for the Northern District of Texas from the Justice of the Peace Court, Precinct 4, Place 1 of Dallas County, Texas where the action is now pending pursuant to 28 U.S.C. § 1441 and states:

1. The above-entitled action was commenced in the Justice of the Peace Court, Precinct 4, Place 1 of Dallas County, Texas on January 14, 2021, and is now pending in that court as Cause No. JS21-00019G. Plaintiff’s Original Petition setting forth the purported claim for relief upon which the action is based was first received by Defendant on January 19, 2021. A Citation was first served on Defendant by certified mail on January 19, 2021.

2. There are no defendants to this action except for Nebraska Furniture Mart, Inc.

3. This action was commenced against Defendant in the Justice of the Peace Court, Precinct 4, Place 1, of Dallas County, Texas by Plaintiff, and is of a civil nature.

4. Plaintiff asserts a claim under the Telephone Consumer Protection Act, 47 U.S.C. § 227. The United States District Court for the Northern District of Texas has jurisdiction by reason of 28 U.S.C. § 1331 in that the action arises under the laws of the United States. *See Mims v. Arrow Financial and Services, LLC*, 565 U.S. 368 (2012).

5. Although Plaintiff also asserts claims for a violation of Chapter 305 of the Texas Business and Commerce Code (Prohibited Communications Made for Purpose of Solicitation) and invasion of privacy, Plaintiff's state law claims are subject to this Court's supplemental jurisdiction under 28 U.S.C. § 1367 because Plaintiff's state law claims are based upon the same allegations as Plaintiff's claims for violations of federal law and therefore are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

6. The time has not elapsed within which Defendant is allowed to file this Notice of Removal of action to this court.

7. A copy of each document filed in the state court action, and an index of all documents that clearly identifies each document and indicates the date the document was filed in state court are all being filed with this Notice of Removal. The docket sheet in the state court action is not being filed because Defendant has been advised that the Justice of the Peace Court, Precinct 4, Place 1, of Dallas County, Texas does not maintain a docket sheet. A copy of all process, pleadings, and orders served upon Defendant are included in the foregoing documents being filed with this Notice of Removal.

8. A copy of this Notice of Removal will be filed with the clerk of the Justice of the Peace Court, Precinct 4, Place 1, of Dallas County, Texas and written notice will be given to Plaintiff as required by 28 U.S.C.A. § 1446(d).

9. Plaintiff previously demanded a trial by jury.

Defendant requests that this action proceed in this court as an action properly removed to it.

January 28, 2021

Respectfully submitted,

By: /s/Bruce E. Bagelman

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**COUNSEL FOR DEFENDANT  
NEBRASKA FURNITURE MART, INC.**

**CERTIFICATE OF SERVICE**

I certify that I caused a true and correct copy of the foregoing document to be served upon the Plaintiff identified below via electronic mail on January 28, 2021.

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*Pro Se*

/s/Bruce E. Bagelman  
Bruce E. Bagelman